

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CRAIG SMITH, et al.,

Plaintiffs,

vs.

THE BURLINGTON NORTHERN
AND SANTE FE RAILWAY
COMPANY,

Defendant.

No. CV-08-3051-LRS

**ORDER DENYING
STIPULATED MOTION FOR
PROTECTIVE ORDER**

The parties have submitted to the court a proposed “Stipulated Motion For Protective Order.” The motion which accompanies the proposed order (Ct. Rec. 21-2) indicates the parties wish “to protect the confidentiality of information contained in discovery materials . . . “

The court has developed concerns about entering protective orders that may result in the sealing of materials which do not justify that protection. Plaintiff’s claims in this case include personal injury. While the court fully recognizes the right of the parties to enter into private agreements (such as the agreement entered into by the parties to the stipulation) concerning the discovery, retention and inadvertent disclosure of otherwise confidential information, the court need not be a party to the agreement.

Accepting the joint representation of the parties that confidential information may be exchanged, to the extent either party concludes it is necessary to provide the

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1 court with copies of otherwise confidential materials to be considered in connection
2 with issues coming before the court, such documents should be filed separately under
3 seal with a courtesy copy sent to chambers. If an issue arises concerning discovery,
4 dissemination or use of such materials by either party, an appropriate motion can be
5 noted for hearing.

6 The “Stipulated Motion for Protective Order,” **Ct. Rec. 21**, is respectfully
7 **DENIED.**

8 **IT IS SO ORDERED.** The District Executive is directed to enter this order
9 and forward copies to counsel.

10 **DATED** this 29th of January, 2009.

11 *s/Lonny R. Suko*

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13 LONNY R. SUKO
14 United States District Judge
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